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VIERRA MAGEN MARCUS HARMON & DENIRO LLP 685 MARKET STREET, SUITE 540 SAN FRANCISCO, CA 94105				
			EXAMINER LE, LANA N	
			ART UNIT 2685	PAPER NUMBER 7
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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/014,721

Applicant(s)

HALLER ET AL.

Examiner

Lana Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 36 is objected to because of the following informalities: claim 36 is inconsistent with claim 22 in which the first device should be polled for status information and not the second device. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 8-9, 12, 22, 24-25, 28-31, 36, 38-39, and 42-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Davidson et al (US 6,265,788).

Regarding claim 1, Davidson et al discloses a processing device (fig. 2),

comprising:

- (a) a storage device 38;
- (b) a processor 40 coupled to the storage device; and
- (c) wherein the storage device 38 stores a first software component for notifying status information of a first device 74a responsive to a first short-range radio signal (col 4, lines 47-57; col 5, lines 31-37).

Regarding claim 8, Davidson et al further discloses the processing device of claim 1, wherein the software component notifies the status of a second device 74b responsive to a second short-range radio signal 84 toward 74b (fig. 2).

Regarding claim 9, Davidson et al further discloses the processing device of claim 8, wherein Davidson et al further discloses first device and second device form a short distance wireless network (col 6, lines 51-55).

Regarding claim 12, Davidson et al further discloses the processing device of claim 8, wherein Davidson et al further discloses first device and the second device form a short distance wireless network (col 6, lines 51-55).

Regarding claim 22, Davidson et al further discloses the processing device of claim 1, wherein the storage device stores a second software component for polling the first device in order to obtain the status information (col (col 5, lines 6-13).

Regarding claim 24, Davidson et al further discloses the processing device of claim 1, wherein the storage device stores a second software component for obtain the status information of the first device responsive to a user selection (col 5, lines 14-28).

Regarding claim 25, Davidson et al further discloses the processing device of claim 1, wherein the first short-range radio signal includes status information generated from the first device in response to a first device event (col 5, lines 37-40).

Regarding claim 28, Davidson et al discloses a system for providing status information in a short distance wireless network (col 3, lines 55-64), comprising:

- (a) a first device 74a for generating a first short-range radio signal containing status information (col 5, lines 35-37); and
- (b) a second device 72 for receiving the short-range radio signal 48 and notifying the status information (col 5, lines 31-34).

Regarding claim 29, Davidson et al further discloses the system of claim 28, wherein the first device and the second device includes a short-range radio processor 40 and a short-range radio transceiver (col 3, line 67- col 4, line 1; col 5, lines 33-37).

Regarding claim 30, Davidson et al further discloses the system of claim 28, further comprising:

- (c) a third device 74b providing a second short-range radio signal containing status information (col 5, lines 33-37), and wherein the second device 72 receives the second short-range radio signal and notifies the status information of the third device 74b (col 5, lines 31-33).

Regarding claim 31, Davidson et al further discloses the system of claim 30, wherein the second device and third device form a short distance wireless network (col 2, lines 46-51).

Regarding claim 36, Davidson et al further discloses the system of claim 28,

wherein the second device includes a software component for polling the first device in order to obtain the status information (col 5, lines 6-13).

Regarding claim 38, Davidson et al further discloses the system of claim 28, wherein second device obtains the status information of the first device responsive to a user selection (col 5, lines 14-28).

Regarding claim 39, Davidson et al further discloses the system of claim 28, wherein the first device, responsive to a first device event, generates the status information (col 5, lines 37-40).

Regarding claim 42, Davidson et al discloses an article of manufacture, including a computer readable medium, comprising:

- (a) a short-range radio software component 40 for receiving a short-range radio signal in a short distance wireless network (col 5, lines 32-33); and
- (b) a notify software component for notifying status information of a first device 74a and a second device 74b in the short distance wireless network (col 5, lines 31-37).

Regarding claim 43, Davidson et al discloses a method for providing status information in a short distance wireless network, comprising the steps of:

- (a) obtaining status information of a device in the short distance wireless network responsive to a short-range radio signal 84 (col 5, lines 31-37); and
- (b) notifying the status information responsive to a status information notify preference (col 5, lines 14-28).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et al (US 6,265,788).

Regarding claim 10, Davidson et al further discloses the processing device of claim 8, wherein Davidson et al didn't specifically further discloses first device and the second device form a 802.11 network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a 802.11 network in order to utilize a particular short range communication network.

Regarding claim 11, Davidson et al further discloses the processing device of claim 8, wherein Davidson et al didn't specifically further discloses first device and second device form a Blue-tooth network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the first and second peripheral devices in a blue-tooth network since they are all located in a vehicle at close range from one another.

3. Claims 2-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et al (US 6,265,788) in view of Palermo et al (US 5,771,438).

Regarding claim 2, Davidson et al further discloses processing device of claim 1, wherein Davidson didn't further disclose the processing device is a cellular

telephone. Palermo further discloses the processing device is a cellular telephone 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a cellular telephone in order to obtain information of a near-range

Regarding claim 3, Davidson et al further discloses processing device of claim 1, wherein Palermo discloses the processing device is a cellular modem. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a cellular modem in order to have a wireless input/output interface, i.e. a computer memory card, for receiving the signal from the peripheral device.

Regarding claim 4, Davidson et al further discloses the processing device of claim 1, wherein Palermo further discloses the first device is selected from a group consisting of a desktop computer, a laptop computer, a personal digital assistant, a headset, a pager, a printer, a watch, a digital camera and an equivalent (col 3, lines 9-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to select from a variety of devices in order to allow the user to find out the current condition of the device he/she needs to use at the time.

Regarding claim 6, Davidson et al further discloses the processing device of claim 1, wherein the processing device includes a short-range radio processor 40 (col 3, line 67 - col 4, line 1). Davidson didn't further disclose a 5.7 transceiver. Palermo et al further discloses a transceiver (col 5, lines 29-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a 2.4 GHz transceiver in order to allow the first device to respond to a unique frequency band via a close distance electromagnetic induction fields.



Regarding claim 7, Davidson et al further discloses the processing device of claim 1, wherein Davidson et al further discloses the processing device includes a short-range radio processor 40. Davidson didn't further disclose a 5.7 transceiver. Palermo et al further discloses a transceiver to transmit control signals and receive the status signals (col 4, lines 1-21; col 5, lines 29-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a 5.7 GHz transceiver in order to allow the first device to respond to a unique frequency band.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et al (US 6,265,788) in view of Albuquerk et al (US 5,929,848).

Regarding claim 5, Davidson et al further discloses the processing device of claim 1, wherein Davidson et al didn't further disclose the first device is selected from a group consisting of a thin terminal and a smart terminal (107a; fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a smart terminal in order to send identification data to the mobile processing apparatus.

5. Claims 13, 18-19, 21, 26, 32, 34-35, 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et al (US 6,265,788) in view of O'Toole et al (US 6,600,428).

Regarding claim 13, Davidson et al further discloses the processing device of claim 1, wherein Davidson et al didn't further disclose the status information regarding the first device includes an available battery power of the first device. O'Toole et al further discloses the status information regarding the first device includes an available

battery power of the first device (col 90, lines 35-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have battery level status information in order to detect whether the peripheral device is applicable for use based on its draining battery level.

Regarding claim 18, Davidson et al further discloses the processing device of claim 1, wherein Davidson et al didn't further disclose the status information is calculated. O'Toole et al further discloses the status information is calculated (col 94, lines 18-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to calculate the data in order to send to the mobile the result of certain information the mobile needed.

Regarding claim 19, Davidson et al further discloses the processing device of claim 18, wherein the calculated status information includes a received signal indication calculated from a bit error rate of the first device. O'Toole et al further discloses the calculated status information includes a received signal indication calculated from a bit error rate of the first device (col 94, lines 18-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use bit error rate in order to allow the mobile user to decide to send data to the particular peripheral device based on the accuracy of the bits received.

Regarding claim 21, Davidson et al further discloses the processing device of claim 1, wherein Davidson et al didn't further disclose the status information includes a selected minimum battery level status of the processing device and the first device. O'Toole further discloses the status information includes a selected minimum battery

level status of the processing device and the first device (col 90, lines 35-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have battery level status information in order to detect whether the peripheral device is applicable for use based on its draining battery level.

Regarding claim 26, Davidson et al further discloses the processing device of claim 25, wherein Davidson et al discloses default predetermined parameters of the status signals. Davidson didn't specifically disclose the first device event includes the remaining power of the first device falling below predetermined value. O'Toole further discloses the first device event includes the remaining power of the first device falling below predetermined value (col 94, lines 18-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have battery level status information in order to detect whether the peripheral device is applicable for use based on its draining battery level.

Regarding claim 32, Davidson et al further discloses the system of claim 28, wherein Davidson didn't specifically disclose the status information includes a remaining power in the first device. O'Toole further discloses the status information includes the remaining power of the first device (col 90, lines 35-40; col 94, lines 18-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have battery level status information in order to detect whether the other device is applicable for use based on its draining battery level.

Regarding claim 34, Davidson et al further discloses the system of claim 28, wherein Davidson didn't specifically disclose the status information includes calculated

status information regarding of the first device. O'Toole et al further discloses the status information includes calculated status information regarding of the first device (col 94, lines 18-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to calculate the data in order to send to the mobile the result of certain information the mobile needed.

Regarding claim 35, Davidson et al further discloses the system of claim 28, wherein Davidson didn't specifically disclose the status information includes a selected minimum battery status from the first device and the second device. O'Toole further discloses the status information includes a selected minimum battery level status of the first and the second device (col 90, lines 35-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have battery level status information in order to detect whether the other device is applicable for use based on its draining battery level.

Regarding claim 40, Davidson et al further discloses the system of claim 39, wherein Davidson et al discloses default predetermined parameters of the status signals. Davidson didn't specifically disclose the first device event includes the remaining power of the first device falling below predetermined value. O'Toole further discloses the first device event includes the remaining power of the first device falling below predetermined value (col 94, lines 18-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have battery level status information in order to detect whether the peripheral device is applicable for use based on its draining battery level.

Regarding claim 44, Davidson et al further discloses the method of claim 43, wherein Davidson et al didn't further disclose the status information is calculated responsive to a status information type value. O'Toole further discloses disclose the status information is calculated responsive to a status information type value (col 90, lines 35-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to calculate the status information based on a type value in order to categorize the information based on a bit register type value block to transmit to the mobile user.

6. Claims 14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et al (US 6,265,788) in view of Strohallen et al (US 5,774,791).

Regarding claim 14, Davidson et al further discloses the processing device of claim 1, wherein Davidson et al didn't further disclose the status information regarding the first device includes an available operating time of the first device. Strohallen et al further discloses the status information regarding the first device includes an available operating time of the first device (col 4, lines 23-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an operating time as the status information in order to allow the mobile user determine if he/she is ready to send a job to the peripheral device within its operating life range.

Regarding claim 16, Davidson et al further discloses the processing device of claim 1, wherein Davidson et al didn't further disclose the status information regarding the first device includes a quality of a received signal from the cellular network. Strohallen et al further discloses the transmitted signal regarding the first device

includes a signal strength of a received signal from the cellular network (col 6, lines 25-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive a quality signal from the cellular network in order to communicate data via the wireless mobile system.

Regarding claim 17, Davidson et al further discloses the processing device of claim 16, wherein Strohallen et al further discloses the cellular network generates a cellular protocol signal selected from the group consisting of Global System for Mobile Communications protocol, Code Division Multiple Access protocol, Code Division Multiple Access 2000 protocol, Universal Mobile Telecommunications Systems protocol, Time Division Multiple Access protocol, General Packet Radio Service and an equivalent (col 29, lines 34-65).

7. Claims 15, 20, 23, 27, 33, 37, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et al (US 6,265,788) in view of Bledsoe (US 5,742,237).

Regarding claim 15, Davidson et al further discloses the processing device of claim 9, wherein Davidson et al didn't further disclose the status information regarding the first device includes a quality of a received signal from the short distance wireless network. Bledsoe further discloses the status information regarding the first device includes a quality of a received signal from the short distance wireless network (col 3, lines 4-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive the quality of the signal from the short distance wireless network in order to determine how far away the first device is from the mobile

user's location for convenience of access.

Regarding claim 20, Davidson et al further discloses the processing device of claim 18, wherein Davidson didn't further disclose the status information includes a received signal indication calculated from a signal strength of the first device. Bledsoe further discloses the status information includes a received signal indication calculated from a signal strength of the first device (col 3, lines 4-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the signal strength of a received signal as status information in order to determine how far away the first device is from the mobile user's location for convenience of access.

Regarding claim 23, Davidson et al further discloses the processing device of claim 1, wherein Davidson didn't further disclose the first short-range radio signal includes status information generated on a periodic basis from the first device. Bledsoe further discloses the first short-range radio signal includes status information generated on a periodic basis from the first device (col 5, lines 18-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to send on a periodic basis in order to inform the user automatically about the condition of the peripheral devices.

Regarding claim 27, Davidson et al further discloses the processing device of claim 25, wherein Davidson et al discloses the first device event includes a received status signal compared to a predetermined default status parameter. Davidson et al didn't further specifically disclose the first device event includes a quality of a received signal of the first device falling below a predetermined value. Bledsoe further

discloses the first device event includes a quality of a received signal of the first device falling below a predetermined value (col 3, lines 4-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the quality of a received signal as status information in order to determine how far away the first device is from the mobile user's location for convenience of access.

Regarding claim 33, Davidson et al further discloses the system of claim 28, wherein Davidson didn't further disclose the status information includes a quality of a received signal of the first device. Bledsoe further discloses the status information includes a quality of a received signal of the first device (col 3, lines 4-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the quality of a received signal as status information in order to determine how far away the first device is from the mobile user's location for convenience of access.

Regarding claim 37, Davidson et al further discloses the system of claim 28, wherein Davidson didn't further disclose the first short-range radio signal is generated on a periodic basis from the first device. Bledsoe further discloses the first short-range radio signal includes status information generated on a periodic basis from the first device (col 5, lines 18-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to send on a periodic basis in order to inform the user automatically about the condition of the peripheral devices.

Regarding claim 41, Davidson et al further discloses the system of claim 39, wherein Davidson et al discloses the first device event includes a received status



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signal compared to a predetermined default status parameter. Davidson et al didn't further specifically disclose the first device event includes a quality of a received signal of the first device falling below a predetermined value. Bledsoe further discloses the first device event includes a quality of a received signal of the first device falling below a predetermined value (col 3, lines 4-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the quality of a received signal as status information in order to determine how far away the first device is from the mobile user's location for convenience of access.

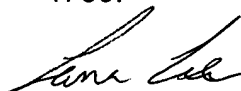
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana Le whose telephone number is (703) 308-5836.

The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



Lana Le

October 30, 2003



EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
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